

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5  
AMEND ARTICLE 3, SECTION 1213.1, AMEND ARTICLE 6, SECTION 1230 AND  
AMEND ARTICLE 7.5, SECTION 1239

### COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-01-06)

*Existing text:*..... Times New Roman 12 point font.  
*Additions:* ..... Times New Roman 12 point font with single underline.  
*Deletions:* ..... ~~Times New Roman 12 point font with bold strikethrough.~~

#### (1) Section 1213.1(c) is amended to read:

##### **§1213.1. Placing Drivers Out-of-Service.**

(c) **Alcohol zero tolerance.** No driver may possess an alcoholic beverage within a commercial motor vehicle nor may a driver operate a commercial motor vehicle, as defined in Vehicle Code Section 15210, when that person's blood alcohol content is found to be 0.01%, by weight, or greater.

#### (2) Section 1230(a) is amended to read:

##### **§ 1230. Unlawful Operation.**

(a) **Out-of-Service Vehicles.** Authorized employees of the department may declare and mark any vehicle "out of service" in accordance with Section 1239, when its hazardous condition or loading appears likely to cause an accident, injury, or breakdown. A vehicle so marked shall not be operated, nor shall the out-of-service notice be removed, until the vehicle is safe to drive.

#### (3) Section 1239 is amended to read:

##### **§ 1239. Commercial Vehicle Safety Alliance North American ~~Uniform~~ Standard Out-of-Service Criteria.**

(a) **Applicability.** This article shall apply to those vehicles described in ~~under~~ Sections 260, 322, 15210 and 34500 of the California Vehicle Code.

**(b) *Incorporation by Reference.*** This article incorporates by reference portions of the Commercial Vehicle Safety Alliance North American ~~Uniform~~ Standard Out-of-Service Criteria including Part I (with the exception of those items related to waiver of physical disqualification), Part II (not including those items related to and load securement/tiedowns except for spare tire securement) and Part III, ~~a~~ All references to the Commercial Vehicle Safety Alliance North American ~~Uniform~~ Standard Out-of-Service Criteria in this article are those criteria published on April 1, ~~1999~~ 2001.

**(c) *Availability of Referenced Criteria.*** Copies of the Commercial Vehicle Safety Alliance North American ~~Uniform~~ Standard Out-of-Service Criteria can be obtained from:

Commercial Vehicle Safety Alliance

5430 Grosvenor Lane, Suite 130

Bethesda, MD 20814

Note: Authority cited: Sections 2402, 2410, 31401 and 34501(a) Vehicle Code. Reference: Sections 260, 322, 2402, 2410, 12500, 12502, 12515(b), 14603, 15210, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506 and 34510 Vehicle Code.